

The slide features a yellow header with the text "Guam SOLID WASTE RECEIVER" in blue. On the left is the seal of the United States District Court of Guam, and on the right is the Great Seal of Guam. The main title "Seventh Report of the Receiver" is centered in white. Below it, the text reads "for the Government of Guam Solid Waste Authority Pursuant to the Order of the United States District Court of Guam". At the bottom right, it says "Presented by Gershman, Brickner & Bratton, Inc. May 8, 2024". The GBB logo (Solid Waste Management Consultants) is in the bottom left, with the company name below it.

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This slide has the same header and logos as slide 1. The title "Seventh Report of the Receiver" is centered. Below it, a bulleted list contains two items: "Meet and confer regarding different reports" and "Receiver to present its status report and other Parties can comment as we proceed". The GBB logo and company name are in the bottom left, and a small number "2" is in the bottom right corner.


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### Receiver's Seventh Report (Topics)



- I. Update Regarding GWA Claim
- II. Update Regarding Leachate Flow and Seep Investigations
- III. SEP Completion Report
- IV. Certification of Cessation of Solid Waste Acceptance at Ordot
- V. Termination of Receivership
- VI. Ordot Dump Operations and Maintenance Contract
- VII. Subpoena to Gershman, Brickner & Bratton, Inc. from the Government of Guam Legal Counsel for the CERCLA Case
- VIII. Next Steps



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### I. Update Regarding GWA Claim



- Initial claim estimated at \$2.65 million in August 2023 for the GWA Dero Road leaks
- GWA responded asking for a year of leachate information to evaluate impact of leaks
- Receiver made Sunshine request to GWA on March 20, 2024 to augment data collected in Leachate and Seeps investigation work



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I. Update Regarding GWA Claim (cont'd)

**From:** wfestevs@guamwaterworks.org <wfestevs@guamwaterworks.org>  
**Sent:** Tuesday, May 16, 2023 1:35 PM  
**To:** brett@guamwaterworks.org  
**Cc:** garrett@guamwaterworks.org  
**Subject:** Chaot Distribution Tracked Data

An initial leak (not on the leak map) was found near the Ordot Landfill at the end of 2022 and was fixed at the beginning of 2023.

Before the leak was fixed, there was a difference of 197 to 224 gpm between the outflow reading at Chaot and the reading at A-12. Only a small portion of this discrepancy was accounted for, as approximately 95 billed customers used about 15.58 gpm. Taking customer billing into account, there was still 181 to 208 gpm unaccounted for, with an average flowrate of 196 gpm unaccounted for between the dates 12/13/2022 – 12/29/2022. It should be noted that the meters were read once a day at various times of the day.



After the leak was fixed, there was a difference of 103 to 126 gpm unaccounted for between the dates 1/3/2023 – 1/18/2023, with an average flowrate of 116 gpm unaccounted for. Although this drop in unaccounted water shows that the leak was substantial, it should be noted that the meters were read once a day at various times of the day.

  
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See Ex. A (GWA Memo) to Seventh Report of Receiver

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I. Update Regarding GWA Claim (cont'd)

Receiver's Opinion:

1. Dero Road Leaks were the primary cause of increase in leachate experienced from 2018 through end of December 2022, when leaks were fixed.
2. The effects of the leaks continued to impact leachate flows into the first quarter of 2023.
3. The GWA Memo confirms the leaks had an average total flow rate of 80 gpm in December 2022; this equates to an avg. daily flow of 115,200 gallons per day - consistent with the increased leachate data provided by Brown and Caldwell
4. Receiver intends to seek resolution of the claim by negotiating with GWA

  
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## II. Update Regarding Leachate Flow and Seep Investigations

### I. Phase 1 – Leachate and Seeps Investigation

1. Previous Brown and Caldwell report – Technical Memorandum No. 1 dated February 4, 2023, report on joint reconnaissance Nov. 2022 and leachate investigations performed up until that time
2. Previous Brown and Caldwell report – Technical Memorandum No. 2 dated July 21, 2023 preliminary findings of data through April 2023
3. Brown and Caldwell Report – Report on all data and investigations cumulatively collected through Dec. 2023 and additional observations of data in first quarter 2024.

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## Ordot Dump Post Closure Facility – Report on Leachate Flow Evaluation and Cessation of Discharges to Waters of the United States

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**Brown and Caldwell**

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### Study Objectives

- Analyze leachate flow trends since closure was completed
- Evaluate potential sources of water influencing leachate flow
- Evaluate leachate discharges to water of the United States
- Recommend enhancements based on outcome, if warranted




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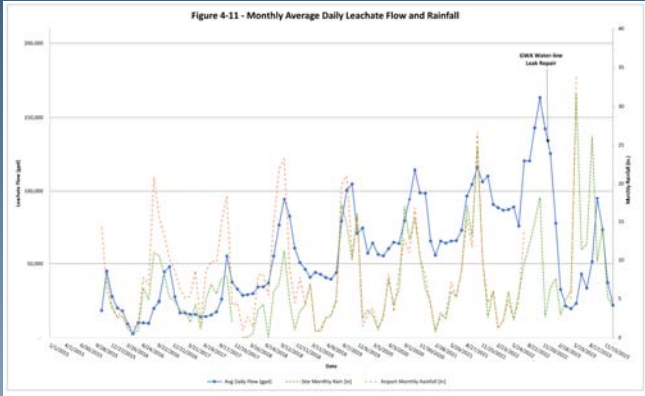


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### Leachate flow ... trending down


Figure 4-11 - Monthly Average Daily Leachate Flow and Rainfall



— Avg Daily Flow (gpd)   
 — Mo Monthly Rain (in)   
 — Avg Mo Monthly Rainfall (in)



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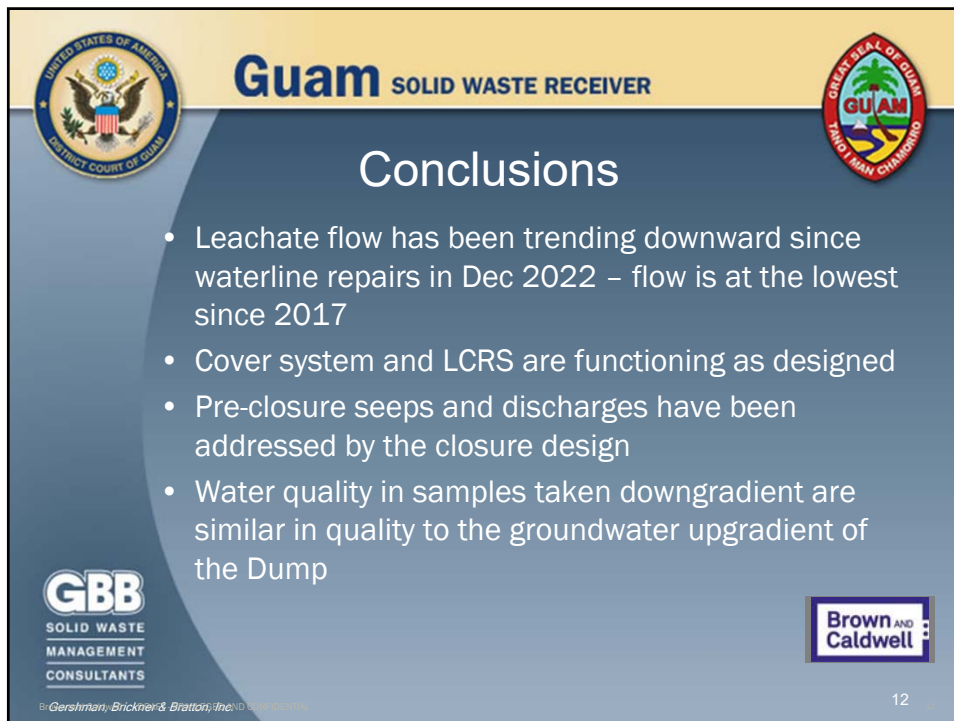
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## Recommendations

- Continue visual observations on west side of the Facility at the location influenced by Dero Road waterline leaks
- Continue separate flow measurements for PLCT and WLIT on a weekly basis
- Continue to institute the operations and maintenance plan in the PCCP of the GEPA post-closure permit

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**Brown AND Caldwell**

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## II. Update Regarding Leachate Flow and Seep Investigations (cont'd)

### II. GWA Pond 1 and 4 Dye Tests



- Pond 1 test completed
- GWA, awaiting delivery of a fluorometer to help detect presence of dye that may reach observation points in the leachate collection system carried by groundwater
- GWA has planned to do same testing in Pond 4
- The Receiver and its consultant, B&C, are not clear that the testing plan or protocol will provide GWA with any useful information.

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### III. SEP Completion Report



- A. U.S. EPA Position on Bifurcation
  - Bifurcation agreed upon by the Parties
- B. Status of Receiver SEP Report
  - Receiver revised SEP submission under review by U.S. EPA that anticipates review decision on or before May 10, 2024
  - Completion of Receiver SEP Report a condition for termination of the Receivership
- C. Status of GEPA's SEP Report
  - GEPA February 20, 2024 submission to be reviewed by U.S. EPA following completion of Receiver SEP Report
- D. Motion for Reconsideration Concerning SEP
  - U.S. EPA position regarding SEP report(s) is that U.S. EPA is the authority in determining deficiencies and not through dispute resolution - this was granted by the Court



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### IV. Certification of Cessation of Solid Waste Acceptance at Ordot

- U.S. EPA accepted the Receiver's certification that the Ordot Dump no longer receives municipal solid waste for disposal
- This Consent Decree requirement has thus been satisfied





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### V. Termination of Receivership

#### A. Concerns Raised by the Court

Receiver Terms of Appointment shall be "for the period necessary to achieve compliance with the Consent Decree, unless:



- The Receiver recommends termination of this Order as no longer necessary, or modification thereof, and said termination or modification is accepted by this court;
- The Receiver requests to be relieved and such request is approved by this court;
- This Order is otherwise modified or terminated by this court."



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### A. Concerns Raised by the Court (cont'd)



- GovGuam and GSWA have requested Receivership be terminated prior to achieving compliance with the Consent Decree
- November 22, 2023 Court Order: "...the Court has expressed some skepticism that the GSWA General Manager will be able to make the certification based on the specific language required in the Consent Decree..."
- To alleviate any concerns regarding GSWA's operations and technical expertise, the Court ordered Chace Anderson to prepare a Special Report regarding GSWA



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### A. Concerns Raised by the Court (cont'd)



- If the Receiver determines that the requirements for early termination have been met, it will do so
- The Court was also concerned that a revised financial plan for the post-closure costs has not yet been approved with a funding source



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### B. GSWA Review by Chace Anderson



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**Special Report of the Receiver's Former GSWA Administrator and Operations Manager**

By  
**R. Chace Anderson**  
May 2, 2024

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**GSWA Organization**

**Guam Executive Branch**

**Government of Guam Board of Directors**  
Andrew Goffe (chair), Cora Momellans, Peggy Denney, Jim OetlerKing, Manakali Hemlani

**General Manager**  
Irvin L. Slike

**Legal Counsel**  
Shannon Tateo

Assistant GM of Operations (Nona)	Comptroller Kathleen Kellogg	Engineer Supervisor Dan Galois	Chief of Administration Alicia Rojas
<b>Safety</b> Safety Officer <sup>1</sup> James Tachina *Position reports to GM when Assistant GM vacant.	<b>Accounting/Budget</b> Management Analyst (1 <sup>st</sup> ) Joana Flores Accounting Technician 2 FTEs Collection Specie 1 FTE *This role supervises Payroll and Scale House employees.	<b>Household Hazardous Waste Program</b> HWH Technician 1 Joann Manzano HWH Technician 1 Farelly Nigrochabau	<b>Customer Service</b> Customer Service Supervisor 1 FTE Customer Service Representative 4 FTEs
<b>Residential Collection (Trash, Recycling, Bulky)</b> Residential Collection Supervisor <sup>1</sup> Roman Ponce Assistant Collection Supervisor <sup>1</sup> Equipment Operator Leader 1 <sup>1</sup> Nelson Salinas Residential Collection Assistant: 17 FTEs (Scale Collection and PPE) - does not include Roll off driver and Transfer Station Staffing. *Position supervises Building Maintenance and Residential Transfer Station employees.	<b>Payroll</b> Contracted out via MGA with OGA	<b>Landfill (Contract Management/Compliance)</b> Dan Galois	<b>Procurement</b> Buyer 1 FTE
<b>Building Maintenance</b> Building Custodian Leader 1 FTE Building Custodian 1 FTE	<b>Scale House</b> Scale House Assistant 3 FTEs Casher 3 FTEs	<b>Transfer Station (Contract Management &amp; Compliance)</b> Dan Galois	<b>Personnel</b> Administrative Officer: Kallan Administrative Assistant: 1 FTE
<b>Residential Transfer Stations</b> Equipment Operator 2 FTEs Sanitation Worker 2 FTEs	<b>Asset Maintenance</b> Asset Mechanic <sup>1</sup> Dennis Mendula *Position reports directly to Residential Collection Supervisor & assists with fleet contract management.	<b>Ordet Dump Post-Closure O&amp;M<sup>1</sup></b> (Contractor) * Currently, the Ordet Dump facility is the Receiver's responsibility, as per U.S. District Court.	<b>IT Support</b> Contracted out. No FTEs.

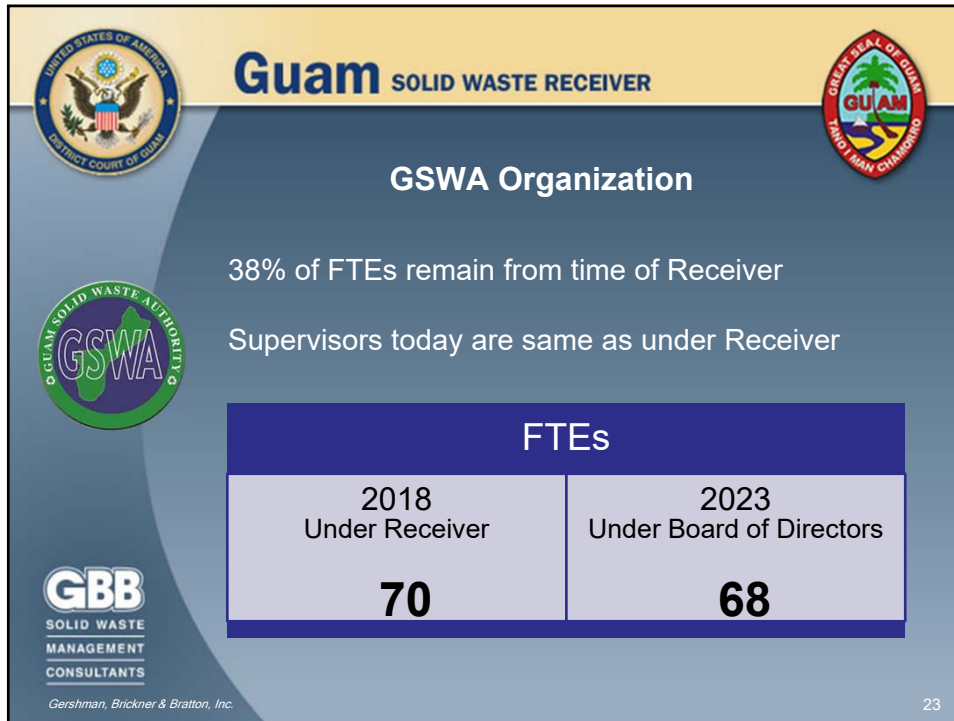
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Same as under Receiver

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**GSWA Organization**

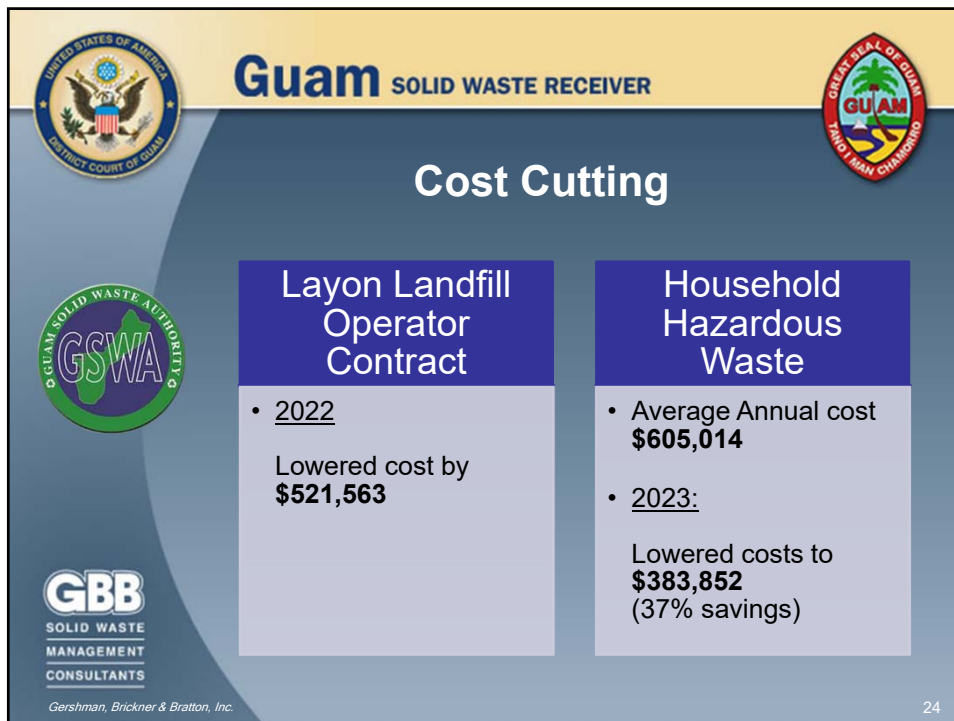
38% of FTEs remain from time of Receiver  
Supervisors today are same as under Receiver

FTEs	
2018 Under Receiver	2023 Under Board of Directors
<b>70</b>	<b>68</b>

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**Cost Cutting**

Layon Landfill Operator Contract	Household Hazardous Waste
<ul style="list-style-type: none"> <li>• <u>2022</u></li> </ul> <p>Lowered cost by <b>\$521,563</b></p>	<ul style="list-style-type: none"> <li>• Average Annual cost <b>\$605,014</b></li> <li>• <u>2023:</u></li> </ul> <p>Lowered costs to <b>\$383,852</b> (37% savings)</p>

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## Guam SOLID WASTE RECEIVER

### General Managers





- **Greg Martin**
  - September 2017 to July 2018
- **Larry Gast**
  - March 2019 to October 2021
- **Irvin Slike**
  - October 2021 to Present

Members of the Board and Staff universally respect Mr. Slike.

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### Irvin Slike – Current General Manager




- Background:
  - Collection of solid waste
  - Closing Construction and Demolition landfills
- Inclusive with staff
- A planner
- Cost reduction is major focus
- Problems with Receiver

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### Customer Service

- Performance has declined in last 2 years




Incoming Calls Answered		
Under Receivership	2022	2023
<b>83%</b>	<b>58%</b>	<b>23%</b>



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### GSWA Bill Collecting

- Maintaining standard set under Receivership

GSWA Revenue Subsidized by GovGuam		
2021	2022	2023
<b>\$545,737</b>	<b>\$2,393,778</b>	<b>\$3,430,564</b>

- FEMA money in 2023: additional \$3 million
- In process of raising rates



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### Collection Fleet

 *"The current fleet of trucks was purchased between 2009 and 2018 by the federal Receiver."*

*Since the receivership ended, however, no new trucks have been purchased, and the fleet has been reduced by 50%, or from ten working trucks to five trucks."*



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PUC Order October 27, 2022

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### Collection Fleet

- Current GM has purchased 10 vehicles
- Truck deliveries:
  - 24 months: Now
  - 10 months: Under Receivership
- Recommend quarterly reports to the Board of Directors on the status of fleet

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GSWA wants control of the Ordot dump closed facility but provided no written plan to assume responsibility

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- GSWA will need contractor with CERCLA experience
- GSWA would be served well having a solid waste engineer on staff with:
  - SWANA MOLO experience
  - RCRA experience

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*"With no accidents reported in 11 years, GSWA believes that this additional requirement [vehicle escort service] is no longer necessary."*  
Letter from GSWA to Contractor







Semi truck veering onto oncoming lane to correct his course  
(Deficient Curve #25, Technical Report: Layon Trash Haul Route Evaluation) 33


  
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C. Guam P.L.37-64 "Ordot Dump Reserve Fund"

- Funding source includes civil damages or other payments and any interest received by GovGuam from the CERCLA lawsuit
- Funds expended only to reimburse GSWA for costs related to closure and maintenance of Ordot Dump and expansion of Layon landfill

  
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### C. Guam P.L.37-64 (cont'd)

**\$30 million in Kelley Drye trust account – no interest accruing to the benefit of GovGuam or GSWA**



- “The Guam Solid Waste Authority shall administer the Fund.” (P.L. 37-64)
- The Receiver “shall have full power and authority to enforce the terms of the Consent Decree, and assume all of the responsibilities, functions, duties, powers and authority of the Solid Waste Management Division of the Department of Public Works... insofar as they affect the Government of Guam's compliance with the Consent Decree.” (Order re Appointment)



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### D. Bank of Guam Trust Accounts

- Receiver Trust Account #1 – earns essentially no interest income
  - Current balance as of 4/24/2024 - \$647,563.26
- Receiver Trust Account #2 – earns significant interest income @ ~5% per annum rate
  - Current balance as of 4/24/2024 - \$7,175,875.13
- Total - \$7,823,438.39
- Trust Account #2 investments made with review and consent of the GSWA Controller





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### E. Use of a RCRA Trust Fund to Dedicate a Portion of Those Funds



- Receiver and U.S. EPA intend to present to Bank of Guam specific terms of RCRA trust agreement language that are codified and cannot be in conflict with Trust Agreement



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### F. Updated Post Closure Cost Estimate (PCCE)



- Receiver sent to GEPA April 29, 2024 letter presenting its 2024 annual update (Exhibit B)
- Two estimates presented:
  - GEPA Method: results in PCCE increased to \$32,150,981 requiring GSWA to make an inflation payment of \$828,721 on or before December 31, 2024
  - Receiver Method: lowers the PCCE to \$22,553,131
    - Lower leachate quantities (60% less) and charge rate
    - Uses remaining post-closure years (22.5 years)



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### F. Updated Post Closure Cost Estimate (PCCE) (cont'd)



- In the event the GSWA fully funds the Receiver Trust Accounts on or before December 31, 2024, then GSWA:
  - Would not be required to make an inflation payment, and
  - Can stop making its monthly payments and avoid having to make a balloon payment for the PCCE balance in August 2026
- Once PCCE fully funded, it is still subject to inflation payments calculated after taking into account interest income revenue



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### G. Technical Assistance Services Contract to Assist GEPA



- Final review and procurement for this contract anticipated to be initiated within the next two months
- Prior selected contractor has conflict of interest requiring new selection to be sought
- Anticipate GEPA to be able to select a consultant before the end of calendar year 2024



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### VI. Ordot Dump Operations and Maintenance Contract



- Brown and Caldwell (B&C) operator pursuant to contract dated May 8, 2018
- Amending the contract for:
  - Adjusting the first Renewal Term from 5 years to 28 months to be in sync with term of Layon Landfill operator contract
  - Ability to cancel two (2) scopes of work that may be performed by contractor(s) providing similar services at Layon Landfill or other similar services



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### VII. Subpoena to GBB from GovGuam Legal Counsel for the CERCLA Case



- Receiver responded with 104,000 pages in January 2024 and March 19, 2024 in response to Kelley Drye attorneys' requests
- Receiver has not received further comments nor additional requests relating to the Subpoena



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### VIII. Next Steps



1. Parties seek to resolve issues not resolved in filings for this Status Hearing
2. Receiver advance claim against GWA for the impact of GWA Water Leaks
3. Progress in transferring P.L. 37-64 funds into an account that is acceptable to USEPA, GEPA, GSWA and the Receiver
4. Consideration to use the Receiver's Trust Fund #2 to fully fund the Ordot Dump PCCE and make investments in consultation with GSWA
5. Progress in discussing required RCRA Trust Agreement with the Bank of Guam



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### VIII. Next Steps (cont'd)

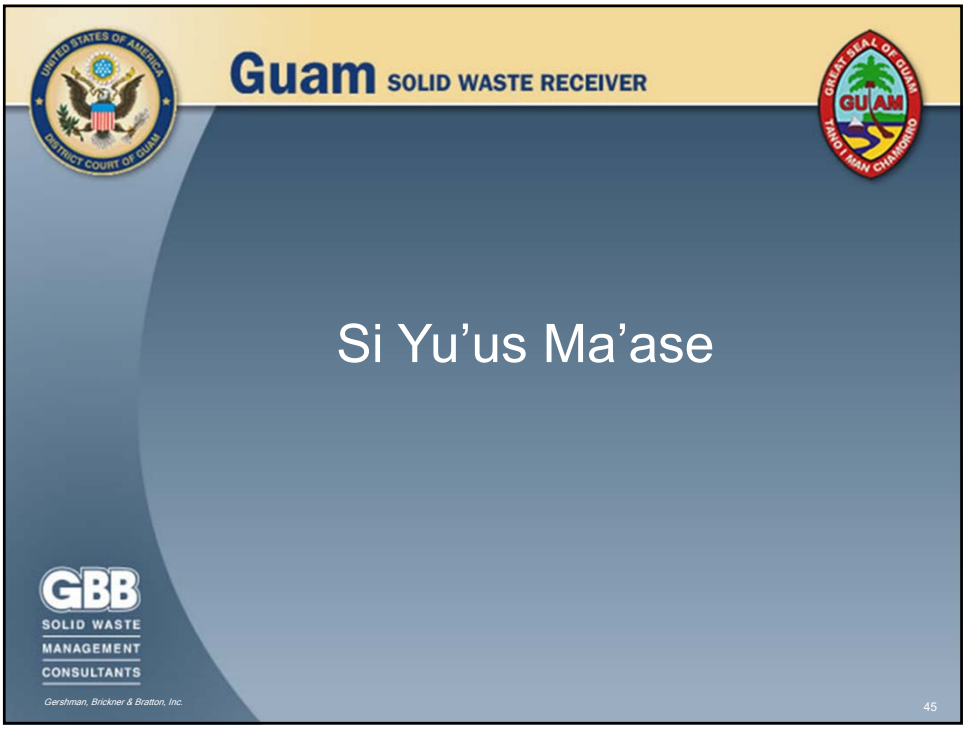
6. GEPA response to the updated PCCE, Phase 1 Leachate and Seep Report
7. GSWA's response to the Chace Anderson report and findings
8. Method of transfer of Ordot Dump post-closure Facility operations to GSWA
9. Plan for certification of no discharges to waters of the U.S.
10. Timetable for termination of the Receivership



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The slide features a yellow header bar with the text "Guam SOLID WASTE RECEIVER" in blue. On the left of the header is the seal of the District Court of Guam, and on the right is the Great Seal of Guam. The main body of the slide is a dark blue gradient with the title "Si Yu'us Ma'ase" centered in white. In the bottom left corner, the logo for GBB (Gershman, Brickner & Bratton, Inc.) is displayed, including the text "SOLID WASTE MANAGEMENT CONSULTANTS". A small number "45" is located in the bottom right corner of the slide.

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